

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

REV. XIU HUI “JOSEPH” JIANG,)	
)	
Plaintiff,)	
)	
vs.)	Cause No.: 4:15-CV-01008
)	
TONYA LEAVETTE PORTER, ET AL.)	
)	
Defendant.)	
)	

**PLAINTIFF’S REPLY TO DEFENDANT’S RESPONSE TO MOTION FOR LEAVE TO
AMEND COMPLAINT OR IN THE ALTERNATIVE TO VOLUNTARILY DISMISS**

Comes now Plaintiff, by and through counsel, and as and for his Reply to Defendant’s Response to Motion for Leave to Amend Complaint or in the Alternative to Voluntarily Dismiss and asserts the following:

1. The Defendant has asserted no facts that would suggest that they suffer actual prejudice by either request.
2. Should the Court see fit to grant the Request for Leave to Amend, it would be appropriate to adjust the Scheduling Order to allow additional time for discovery. In short, the Court has the ability to amend and adjust its own Scheduling Order in a manner consistent with the due process requirements identified by the Defendants.
3. As to the delay, on August 31, 2017, the parties jointly filed a Request to Extend Deadlines.
4. In Paragraph 2 of that joint motion, the parties indicated “despite the best effort of all parties, numerous scheduling conflicts between the four counsel of record have complicated and delayed depositions.”

5. In its Motion for Leave to Amend or in the Alternative to Voluntarily Dismiss, Petitioner identifies the importance of the deposition of Sgt. Mickey Owens. This was one of the depositions that the parties had great difficulty in scheduling. It was not until after there had been a resolution of the claims against two of the parties, that the remaining parties were able to schedule this deposition.

Wherefore, having fully replied, the Plaintiff requests an Order consistent with its original request, and for such other and further orders as to the Court shall seem just in the premises.

BRUNTRAGER & BILLINGS, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of November, 2017, the foregoing Plaintiff's Reply To Defendant's Response To Motion For Leave To Amend Complaint Or In The Alternative To Voluntarily Dismiss was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all attorneys of record.

/s/ Neil J. Bruntrager_____